

ORIGINAL

*UNITED STATES DISTRICT COURT*

FOR THE

SOUTHERN DISTRICT OF NEW YORK

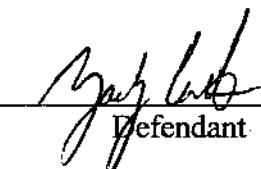
**UNITED STATES OF AMERICA** :  
v.

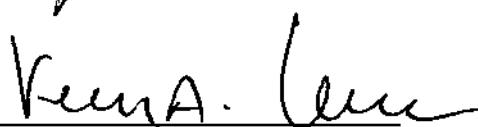
: S1 08 Cr. 356 (KMK)

**ZACHARY CUTLER,** :  
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**Defendant.** :  
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**ZACHARY CUTLER**, the above-named defendant, who is accused of violating Title 18, United States Code, Section 1349, and Title 18, United States Code, Section 1341, having been advised of the nature of the charge and of his rights, hereby waives in open court prosecution by indictment and consents that the proceeding may be by information instead of by indictment.

  
\_\_\_\_\_  
Defendant

  
\_\_\_\_\_  
Counsel for Defendant

Date: White Plains, New York  
August 11, 2008